



U.S. Department of Justice

Environment and Natural Resources Division

DJ#90-5-2-1-07823

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May 31, 2006

VIA E-MAIL & U.S. MAIL

Scott R. Dismukes
Eckert Seamans Cherin & Mellott, LLC
U.S. Steel Tower
600 Grant Street, 44th Floor
Pittsburgh, PA 15219-2788

Re: **In Re: S.H. Bell Company, East Liverpool, Ohio,**
Hammermill PTI Issues

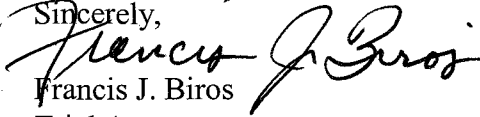
Dear Scott:

As one of the followup items to our telephone conference of May 26, 2006, we agreed to confirm the compliance date deadline for the installation of the baghouse at the Hammermill Crushing System for Non-Metallic Materials at the Little England Terminal under the Permit to Install (No. 17-1655) issued by the Ohio Environmental Protection Agency on December 1, 1999. In order for us to confirm the basis for our contention that the baghouse installation compliance deadline under the Permit to Install was February 28, 2000, we request that you provide us with the following information:

- the exact date S.H. Bell Company began operating the Hammermill under the Permit to Install.

We understand from S.H. Bell's certified response, dated December 14, 2000, to U.S. EPA's Information Request under the Clean Air Act of November 29, 1999, that the Hammermill was operating in December 2000 (other information submitted previously by S.H. Bell indicates the Hammermill was actually installed at the Little England Terminal in 1994). The exact date of startup of operation of the Hammermill under the Permit to Install will assist us in confirming the baghouse installation deadline.

We look forward to your early response and the receipt of the materials you agreed to provide us this week, including the interpretive discussion of the NSPS Subpart OOO regulatory requirements as applied to S.H. Bell's operations, and a suggested date for our next telephone conference. Thank you for your cooperation in this matter.

Sincerely,

Francis J. Biros
Trial Attorney

cc: John Matson, U.S. EPA, Region 5
Steven Paffilas, Assistant U.S. Attorney, N.D. Ohio